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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
7

8 DERRICK SATCHELL, et al.,

No. C 03-2659 SI

9 Plaintiffs,

**ORDER GRANTING DEFENDANT'S  
MOTION FOR CLARIFICATION OF  
SCOPE OF CERTIFIED PROMOTION  
CLAIMS**

10 v.

11 FEDEX EXPRESS,

12 Defendant.  
13 \_\_\_\_\_/

14 Defendant has filed a motion for clarification of the scope of the certified promotion claims,  
15 which is currently scheduled for a hearing on November 17, 2006. Pursuant to Civil Local Rule 7-1(b),  
16 the Court determines the matter is appropriate for resolution without oral argument, and VACATES the  
17 hearing.

18 Defendant seeks clarification of the scope of the promotion claims certified in this case.  
19 Defendant asserts that neither the Court's class certification order nor Dr. Drogin's report provides  
20 FedEx's statistical expert with guidance regarding her development of data to rebut plaintiffs' promotion  
21 claims. Defendant states that the promotion requirements differ depending on the position sought, and  
22 that clarification is necessary in order to fairly prepare for trial. Plaintiffs oppose defendant's motion,  
23 contending that "all" promotion claims have been certified and that defendant is not prejudiced because  
24 it has access to all the relevant data and can perform whatever statistical analyses it wishes.

25 The Court concludes that defendant is entitled to clarification regarding which promotion claims  
26 plaintiffs intend to litigate at trial. This case involves complex and wide-ranging claims, and the Court  
27 finds it reasonable to require plaintiffs to define the specific promotion claims they intend to litigate at  
28 trial, as well as the sections of Dr. Drogin's report upon which they will rely to support those claims.

1 Plaintiffs shall file such a statement no later than **November 28, 2006**. The parties are encouraged to  
2 meet and confer regarding a stipulation to extend the expert discovery cut-off.

3  
4 **CONCLUSION**

5 For the foregoing reasons and good cause shown, the Court hereby GRANTS defendants' motion  
6 for clarification. (Docket No. 492).

7 **IT IS SO ORDERED.**

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9 Dated: November 14, 2006



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SUSAN ILLSTON  
United States District Judge